IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 3777 of 2007()

CRIME NO.260/07 OF PUDUKKAD POLICE STATION

: APPLICANTS/ACCUSED

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1. SURENDRAN, PERUMARATH HOUSE,
S.N.PURAM DESOM, CHENGALOOR VILLAGE.

2. SHARADA, W/O SURENDRAN,
PERUMARATH HOUSE, S.N.PURAM DESOM,
CHENGALOOR VILLAGE.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT - STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3777 of 2007

Dated this the 21st day of June, 2007

ORDER

Application for anticipatory bail. The petitioners are spouses. About an incident which took place on 06.06.2007, allegations and counter allegations have been raised by the rival contestants. The petitioners face allegations under Section 326 I.P.C whereas their adversaries face allegations under Sections 354 and 324 I.P.C. The learned counsel for the petitioners submits that the petitioners are not aggressors, but only victims of aggression. They may not be compelled to endure the trauma of arrest and incarceration. They are willing to co-operate with the Investigators. Appropriate conditions may be imposed, it is prayed.

2. The learned Public Prosecutor submits that it is true that case and counter case have been registered. The allegation against the adversary of the petitioners is that he has attempted to outrage the modesty of the 2nd petitioner herein. The State has no objection in anticipatory bail being granted subject to appropriate conditions, submits the learned Public Prosecutor .

3. Having considered all the relevant inputs, I reckon that as a fair and reasonable stand taken by the learned Public Prosecutor. I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate conditions to be imposed in the interests of a fair, early and efficient investigation.

4. In the result, this application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 28.06.2007. They shall be enlarged on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 29.06.2007 and 30.06.2007. During this period the police shall be at liberty to interrogate the petitioners and effect recovery, if any;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 28.06.07 as directed in clause (1) above, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 28.06.07.

(R.BASANT, JUDGE)

rtr/-